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Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	Application No.	Applicant(s)
	09/364,070	SUZUKI ET AL.
	Examiner	Art Unit
	King Y. Poon	2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _16 April 2002_ .

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-6,15 and 16_ is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-6,15 and 16_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

     If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☒ All b)☐ Some * c)☐ None of:

       1.☒ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____ .

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

     a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United
> States before the invention thereof by the applicant for patent, or on an international application by another who
> has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention
> thereof by the applicant for patent.

2.   Claims 1, 3, 4, 15, and 16 rejected under 35 U.S.C. 102(e) as being anticipated by Sugiura

et al. (U.S. Patent # 6,047,111)

Regarding claim 1: Sugiura teaches a job processing system (column 2, lines 45-50)

comprising a terminal equipment (host device, column 2, line 49) for issuing a job request (print

request, column 2, line 48) by handling a plurality of documents (A1, A2, A3, A4, fig. 10A) as

one job, and a job scheduling device (CPU 11, fig. 6) which sequentially processes jobs (print job

is connected to print queue connection points page by page, column 8, lines 15-20, fig. 10A) that

by storing the jobs, received from the terminal equipment through a network, (column 6, line 38)

in a queue (column 7, lines 50-60) and sending a job execution section (23, fig. 6) a processing

request (request process of print, fig. 11b) relating to a document specified by the job stored in

the queue, the terminal equipment comprising: attribute information adding means (the program

code that allows users to assign paper feed inlet and paper discharge outlet, column 10, lines 20-

32) for adding to information which specifies a job output method to a job request as attribute

information of the job, and the job scheduling device comprising: attribute information setting

means (the function part of the printer control that is controlling the print specification

information, column 7, lines 50-60, fig. 7) for acquiring attribute information (fig. 7) included in

the received job and sets the attribute information (column 7, lines 55-60) to information which

specifies a job and a document; (fig. 10A) a queue for storing, (column 7, lines 55-60) as a job, a

group of items of the information which specify a job and a document; (fig. 7) and output result

control means (the function part of the printer control that carries out printing in accordance with

the print request, column 3, lines 33-35) which, upon reference (in accordance, column 3, line 33-

34) to the information items (printing specification, column 3, lines 23-25, fig. 7) which specify a

job and a document with respect to the job stored in the queue, controls the processing request

issued to the job execution section in such a way that a specified number of copies (fig. 10c shows

one copy of each job are output) of the job are output using the information (print specification,

fig. 7) which specifies a job output method.

Regarding claim 3: Sugiura et al. teach a job processing system (column 2, lines 45-50)

comprising a terminal equipment (host device, column 2, line 49) for issuing a processing request

by (print request, column 2, line 48) handling a plurality of documents (A1, A2, A3, A4, fig. 10A)

as one job, a job execution section (23, fig. 6) for printing the documents, and a job scheduling

device (CPU, fig. 6) which accepts a document fig. 8) input from the terminal equipment through

a network (column 6, line 38) and issues a processing request relating to that document to the job

execution section, (S17, fig. 11B) the terminal equipment comprising: control information

specifying means (the program code that allows users to assign the printing of A1, A2, A3, and

A4, fig. 10A) for specifying a processing start wait (connected to BMM, column 8, line 44) for a

leading document (A1) among the plurality of documents, and the job scheduling device

comprising: preparation means (the function of the printer CPU that controls the print

specification information, column 7, lines 55-60) for preparing information which specifies a

received document; (fig. 7) queuing means (column 7, lines 55-60) for storing the prepared

information which specifies the document by associating the information on a job-by-job basis;

(fig. 7) control information setting means (the function of the print CPU that set print

specification information, fig. 7) which, if a processing start wait is specified (information of

queue connection, fig. 7)for the leading document (A1, fig. 10A) among a plurality of received

documents, (A1, A2, A3, A4, fig. 10A) sets the processing start wait (set the connection point to

BMM, column 8, line 44, fig. 7) to information for specifying this leading document; and control

state setting means which, (S15, fig. 11B) if the processing start wait is set to information which

specifies the leading document of the job stored in the queuing means, renders that job in a

processing start wait state, (S6, fig. 11B) wherein the job scheduling device sequentially retrieves

jobs stored in the queuing means when the job execution section becomes enabled to accept

processing, (fig. 10A) issues a processing request (S17, fig. 11B) for a corresponding document

when there is information specifying a document to which a processing request can be issued, and

when a job is placed in the processing start wait state, prevents the issue of processing requests

with respect to a document for that job (when the document is in BMM state, the program cannot

request process of print, fig. 11B) and documents for subsequent jobs until that job is released

from the processing start wait state by a user's instruction or a timeout (the time is complete form

S6 to S8, fig. 11B).

Regarding claim 4: Sugiura et al. teach a job processing system (column 2, lines 45-50)

comprising a terminal equipment (host device, column 2, line 49) for issuing a processing request

by (print request, column 2, line 48) handling a plurality of documents (A1, A2, A3, A4, fig. 10A)

as one job, a job execution section (23, fig. 6) for printing the documents, and a job scheduling

device (CPU, fig. 6) which accepts a document fig. 8) input from the terminal equipment through

a network (column 6, line 38) and issues a processing request relating to that document to the job

execution section, (S17, fig. 11B) the terminal equipment comprising: control information

specifying means (the program code that allows users to assign the printing of A1, A2, A3, and

A4, fig. 10A) for specifying a processing completion wait (connected to BMM, column 8, line 44)

for a leading document (A1) among the plurality of documents, and the job scheduling device

comprising: preparation means (the function of the printer CPU that controls the print

specification information, column 7, lines 55-60) for preparing information which specifies a

received document; (fig. 7) queuing means (column 7, lines 55-60) for storing the prepared

information which specifies the document by associating the information on a job-by-job basis;

(fig. 7) control information setting means (the function of the print CPU that set print

specification information, fig. 7) which, if a processing completion wait is specified (information

of queue connection, fig. 7)for the leading document (A1, fig. 10A) among a plurality of received

documents, (A1, A2, A3, A4, fig. 10A) sets the processing completion wait (set the connection

point to BMM, column 8, line 44, fig. 7) to information for specifying this leading document; and

control state setting means which, (S15, fig. 11B) if the processing start wait is set to information

which specifies the leading document of the job stored in the queuing means, renders that job in a

processing completion wait state, (S6, fig. 11B) wherein the job scheduling device sequentially

retrieves jobs stored in the queuing means when the job execution section becomes enabled to

accept processing, (fig. 10A) issues a processing request (S17, fig. 11B) for a corresponding

document when there is information specifying a document to which a processing request can be

issued, and when a job is placed in the processing start completion state, prevents the issue of

processing requests with respect to a document for that job (when the document is in BMM state,

the program cannot request process of print, fig. 11B) and documents for subsequent jobs until

that job is released from the processing completion wait state by a user's instruction or a timeout

(the time is complete form S6 to S8, fig. 11B).

Regarding claim 15: Sugiura et al. teach a job scheduling device (fig. 6) which sequentially

stores jobs, (fig. 7, column 7, lines 55-60, column 8, lines 15-20) for which processing requests

(print request, column 8, line 18) were received from terminals, (host, column 8, line 16) in a

queue (column 7, line 58) and sequentially processes the jobs (fig. 7) held in the queue using a job

execution section, (23, fig. 6) the job scheduling device comprising: a plurality of queues (wait for

BMM acquirement queue, wait for extension queue, wait for print queue, wait for paper

discharge queue, and stop wait queue, fig. 10A, column 8, lines 10-12) provided corresponding to

states of the jobs; (non stop state, (BMM acquirement, extension, print, paper discharge), and

stop state, fig. 10A) scheduling means (the function part of the print control that connect each

print job to a print queue connection point, column 8, lines 10-30) for scheduling the jobs using

the plurality of queues; (wait for BMM acquirement queue, wait for extension queue, wait for

print queue, wait for paper discharge queue, and stop wait queue, fig. 10A, column 8, lines 10-12)

and recovery means (function part of the print control that renew the print job form stop state to

non stop state, (BMM acquirement, extension, print, paper discharge), fig. 10C) for recovering

previous state of each of the jobs (A1, A2, A3, A4) being held in the plurality of queues, at the

time of recovery from a failure, (printing for host A requires A3 size while A4 paper is contained

in the hopper, column 8, lines 30-35) if any failure occurred while the jobs are being scheduled by

the scheduling means. (Fig. 10A, fig. 10B)

Regarding claim 16: Sugiura et al. teaches a job scheduling device (fig. 6) for storing, in a

queue, (column 7, line 58) print jobs (fig. 7, column 7, lines 55-60, column 8, lines 15-20) which

include print data and attribute information (fig. 7) and for which processing requests (print

request, column 8, line 18) were received from terminals, (host, column 8, line 16) and for

sequentially printing the print jobs held in the queue (fig. 10A) based on the attribute information

using a job execution section, (print operation section, fig. 6) the job scheduling device

comprising: a plurality of queues (wait for BMM acquirement queue, wait for extension queue,

wait for print queue, wait for paper discharge queue, and stop wait queue, fig. 10A, column 8,

lines 10-12) provided corresponding to print job states; (non stop state, (BMM acquirement,

extension, print, paper discharge), and stop state, fig. 10A) scheduling means (CPU, fig. 6,

column 7, lines 50-65) for scheduling the print jobs using the plurality of queues; and attribute

modifying means (the function part of the print control that is controlling the change of paper feed

inlet pattern, column 10, lines 60-65) for modifying the attribute information (definition of the

paper inlet pattern, column 10, line 64) only when a print job can be changed at the time that an

instruction (command generated after depressing the set key, column 10, line 61) for modifying

the attribute information (paper feed inlet, column 10, lines 19-21) of the print job is received, and

when the instruction is free from errors (the attribute information can only be changed by a user's

program, column 10, lines 45-60, when the instruction is programed wrong by the user, the

correct instruction cannot be changed).

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or
> on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Lobiondo (U.S. Patent

5,287,194).

Regarding claim 6: Lobiondo teaches a job processing system (fig. 1) comprising a

terminal equipment workstation, column 3, lines 29-35) for issuing a processing request, (column

3, lines 55-60) and a job scheduling device (scheduler, column 3, line s 35-50) which sequentially

processes jobs (fig. 4, shows that the program of the scheduler process print job individually) by

storing the jobs received from the terminal equipment in a queue (spooler, column 3, line 58) and

issuing a processing request, (allocating print job, column 6, line 59) relating to a document

specified by the job stored in the queue, to a job execution section, (available printer, column 7,

line 5-10) the terminal equipment comprising: attribute information adding means (column 3, lines

33-35) for adding information relating to job wait control (the time the job is to be finished,

column 4, line 40-45) and message to information relating to the wait control to the job request as

attribute information, (information entered, column 3, lines 50-65) and the scheduling device

comprising: job information preparing means (the function part of the scheduler checking print job

for different job requirement, column 4, lines 49-51)for preparing job information which specifies

a received job; attribute information setting means (the function part of the scheduler allocating

print job to printer that meets the requirement, column 4, lines 45-65) for setting attribute

information included in the received job in the job information; a queue (print spooler, column 3,

line 58) for storing the prepared job information in order; control state setting means which, (the

function part of the scheduler that is setting the print job to be printed on time, column 4, lines 50-

60) if wait control is set to the job information stored in the queue, renders (allocating print job to

printers, column 4, lines 54-60) a job associated with that job information in a wait control state

when processing of that job is started or completed; and message information informing means

(the function part of the scheduler that is informing user information set with respect to print job,

column 5, lines 10-15) which, when the job enters the wait control state, informs the terminal

equipment of message information set with respect to that job.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiura et al. (U.S.

Patent # 6,047,111) in view of Rourke et al. (U.S. Patent # 5,398,289).

Regarding claim 2: Sugiura teaches a job processing system (column 2, lines 45-50)

comprising a terminal equipment (host device, column 2, line 49) for issuing a job request (print

request, column 2, line 48) by handling a plurality of documents (A1, A2, A3, A4, fig. 10A) as

one job, and a job scheduling device (CPU 11, fig. 6)) which sequentially processes jobs (print job

is connected to print queue connection points page by page, column 8, lines 15-20, fig. 10A) that

by storing the jobs, received from the terminal equipment through a network, (column 6, line 38)

in a queue (column 7, lines 50-60) and sending a job execution section (23, fig. 6) a processing

request (request process of print, fig. 11b) relating to a document specified by the job stored in

the queue, the terminal equipment comprising: attribute information adding means (the program

code that allows users to assign paper feed inlet and paper discharge outlet, column 10, lines 20-

32) for adding to information which specifies a job output method to a job request as attribute

information of the job, and the job scheduling device comprising: attribute information setting

means (the function part of the printer control that is controlling the print specification

information, column 7, lines 50-60, fig. 7) for acquiring attribute information (fig. 7) included in

the received job and sets the attribute information (column 7, lines 55-60) to information which

specifies a job and a document; (fig. 10A) a queue for storing, (column 7, lines 55-60) as a job, a

group of items of the information which specify a job and a document; (fig. 7) and output result

control means (the function part of the printer control that carries out printing in accordance with

the print request, column 3, lines 33-35) which, upon reference (in accordance, column 3, line 33-

34) to the information items (printing specification, column 3, lines 23-25, fig. 7) which specify a

job and a document with respect to the job stored in the queue, controls the processing request

issued to the job execution section in such a way that a specified number of copies (fig. 10c shows

one copy of each job are output) of the job are output using the information (print specification,

fig. 7) which specifies a job output method.

Sugiura does not teach adding information relating to the number of copies of the job and

information relating to a job output result to the job request as job attribute information; and a

specified number of copies of the job are only output in a collated manner if collation processing

is specified or a specified number of copies of the job are only output in an uncollated manner if

uncollation processing is specified.

Rourke, in the same area of programming print job teaches: adding information relating to

the number of copies of the job (column 8, lines 24-25) and information relating to a job output

result to the job request as job attribute information; and a specified number of copies of the job

are only output in a collated manner if collation processing is specified (column 8, lines 23-46) or

a specified number of copies of the job are only output in an uncollated manner if uncollation

processing is specified.

Therefore, it would have been obvious to a person having ordinary skill in the art at the

time the invention was made to have modified Sugiura to include: adding information relating to

the number of copies of the job and information relating to a job output result to the job request

as job attribute information; and a specified number of copies of the job are only output in a

collated manner if collation processing is specified or a specified number of copies of the job are

only output in an uncollated manner if uncollation processing is specified.

It would have been obvious to a person having ordinary skill in the art at the time the

invention was made to have modified Sugiura by the teaching of Rourke because of the following

reasons: (a) it would have allowed users to select the number of copies of a print job to be

printed, and (b) it would have allowed users to set a print job according to his own preference

such as printing a print job collated or uncollated.

7.   Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugiura et al.

(U.S. Patent # 6,047,111) in view of Nezu. (U.S. Patent # 5,638,511).

Regarding claim 5: Sugiura et al. teach a job processing system (column 2, lines 45-50)

comprising a terminal equipment (host device, column 2, line 49) for issuing a processing request

by (print request, column 2, line 48) handling a plurality of documents (A1, A2, A3, A4, fig. 10A)

as one job, a job execution section (23, fig. 6) for printing the documents, and a job scheduling

device (CPU, fig. 6) which accepts a document fig. 8) input from the terminal equipment through

a network (column 6, line 38) and issues a processing request relating to that document to the job

execution section, (S17, fig. 11B) the terminal equipment comprising: control information

specifying means (the program code that allows users to assign the printing of A1, A2, A3, and

A4, fig. 10A) for specifying an input wait (connected to BMM, column 8, line 44) for a leading

document (A1) among the plurality of documents, and the job scheduling device comprising:

preparation means (the function of the printer CPU that controls the print specification

information, column 7, lines 55-60) for preparing information which specifies a received

document; (fig. 7) queuing means (column 7, lines 55-60) for storing the prepared information

which specifies the document by associating the information on a job-by-job basis; (fig. 7) control

information setting means (the function of the print CPU that set print specification information,

fig. 7) which, if an input wait is specified (information of queue connection, fig. 7)for the leading

document (A1, fig. 10A) among a plurality of received documents, (A1, A2, A3, A4, fig. 10A)

sets the input wait (set the connection point to BMM, column 8, line 44, fig. 7) to information for

specifying this leading document; and control state setting means which, (S15, fig. 11B) if the

input wait is set to information which specifies the leading document of the job stored in the

queuing means, renders that job in an input wait state, (S6, fig. 11B) wherein the job scheduling

device sequentially retrieves jobs stored in the queuing means when the job execution section

becomes enabled to accept processing, (fig. 10A) issues a processing request (S17, fig. 11B) for a

corresponding document when there is information specifying a document to which a processing

request can be issued, and when a job is placed in the input wait state, prevents the issue of

processing requests with respect to a document for that job (when the document is in BMM state,

the program cannot request process of print, fig. 11B) and documents for subsequent jobs until

that job is released from the input wait state by a user's instruction or a timeout (the time is

complete form S6 to S8, fig. 11B).

Sugiura does not teach using a password to control processing of documents.

Nezu, in the same area of programming print job teaches: to use a password (collation key

abstract) for controlling the precessing of print jobs.

Therefore, it would have been obvious to a person having ordinary skill in the art at the

time the invention was made to have modified Sugiura to include: using a password to control

processing of the document.

It would have been obvious to a person having ordinary skill in the art at the time the

invention was made to have modified Sugiura by the teaching of Nezu because of the following

reasons: (a) it would have added security in the printing process for the users by allowing users

having the correct password to access a print job.

Response to Arguments

8.   Applicant's arguments filed 4/16/2002 have been fully considered but they are not

persuasive.

With respect to applicant's argument that Sugiura fails to teach a specified number of

copies of the job are output, has been considered.

In reply: Column 7, lines 50-65, Sugiura, teaches a print job is printed using print

request/print specification information received from a host. Fig. 10C, Sugiura, teaches one copy

of page 1, one copy of page 2, one copy of page 3 and one copy of page 4 are received as a print

request from host A. In other words, fig. 10C of Sugiura teaches that host A specified one copy

of page 1-4 is to be printed.

With respect to applicant's argument that Sugiura fails to teach the prevention of the

issuance of a processing request until the job in the processing start wait state is released from the

processing start wait state by a user's instruction or time out, has been considered.

In reply: Sugiura teaches preventing the issue of processing requests with respect to a

document for that job (when the document is in BMM state, the program cannot request process

of print, fig. 11B) and documents for subsequent jobs until that job is released from the processing

start wait state by a timeout. (the time is complete from S6 to S8, fig. 11B). In other words,

Sugiura teaches a print job in S6, S15, fig. 11B (processing start wait state) cannot be printed

until the job is released from S6 S 15, by the timeout period that the machine state changes from

S6, S15 to S8. Therefore, Sugiura teaches the prevention of the issuance of a processing request until the job in the processing start wait state is released from the processing start wait state by a time out.

With respect to applicant's argument that Sugiura does not teach a scheduling means, has been considered.

In reply: Column 8, lines 10-30 Sugiura, is referring to fig. 10. For example, fig. 10, C shows that the print job received from host A (A1-A4) is scheduled behind print job of page 5 received form host C, using a print control. (Fig. 6)

With respect to applicant's argument that Sugiura does not teach a recovery means, has been considered.

In reply: Column 8, lines 30-35 Sugiura, teaches that the print job received from host A is stopped due to a paper size error. Column 8, lines 25 to 30 teaches to recover (resume) the printing of the print job received from host A from the previous state, using a print control. (Fig. 6)

With respect to applicant's argument that Sugiura does not teach a attribute modifying means, has been considered.

In reply: Column 10, lines 20-32, Sugiura, teaches to modify (assign) an attribute such as a paper feed inlet or a paper discharged outlet using a print control. (Fig. 6)

With respect to applicant's argument that Lobiondo does not teach attribute information adding means, has been considered.

In reply: Column 3, lines 33-35, Lobiondo, teaches an input means (attribute information adding means) for adding information relating to print job. (attribute information)

With respect to applicant's argument that Lobiondo does not teach weight control, has been considered.

In reply: The examiner does not see the limitation of weight control in claim 6.

9.   ACTION IS FINAL

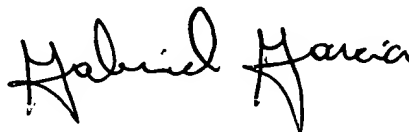THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTHS shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

10.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to King Y. Poon whose telephone number is (703) 305-0892

June 18, 2002

**GABRIEL GARCIA
PRIMARY EXAMINER**